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OFFICE OF PETITIONS

In re Application of
William F. Leek
Application No. 09/729,491
Filed: December 3, 2000
Attorney Docket No. SST/1035

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ON PETITION

This is a decision in response to the renewed petition, filed September 2, 2008, requesting withdrawal of the holding of abandonment in the above-identified application under 37 CFR 1.181.

The petition is **GRANTED**.

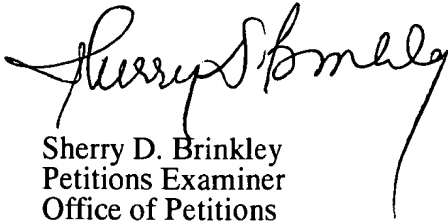
The application was held abandoned for a failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed July 5, 2007, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on January 9, 2008. On March 7, 2008, a petition to withdraw the holding of abandonment was filed; however, the petition was dismissed in a decision mailed July 2, 2008. In response, the present petition was filed wherein petitioner again argues that reply was timely.

On reconsideration, it is conceded that petitioner is correct. The Request for Continued Examination (RCE), amendment and the 3-month extension of time filed January 7, 2008 were timely in accordance to 35 U.S.C. 21(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of July 5, 2007 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3633 for processing the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

The \$400 petition fee submitted with the present petition is unnecessary and is subject to refund. Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries regarding prosecution should be directed to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions